

BIRCH, STEWART, KOLASCH & BIRCH, LLP

A

**INTELLECTUAL PROPERTY LAW
8110 GATEHOUSE ROAD
SUITE 500 EAST
FALLS CHURCH, VA 22042-1210
USA**

(703) 205-8000

FAX (703) 205-8050
(703) 698-8590 (G IV)

e-mail: mailroom@bskb.com
web: http://www.bskb.com

**CALIFORNIA OFFICE
COSTA MESA, CALIFORNIA**

JAMES T ELLER, JR
SCOTT L LOWE
D RICHARD ANDERSON
PAUL C LEWIS
MARK W MILSTEAD*
RICHARD J GALLAGHER
JAYNE M SAYDAH*
MARYANNE ARMSTRONG, PH D
KECIA J REYNOLDS
ROBERT L SCOTT, II
KALPANA REDDY
LARRY J HUME

REG PATENT AGENTS
FREDERICK R HANDREN
MAKI HATSUMI
CRAIG A McROBBIE
GARTH M DAHLEN, PH D
ROBERT E GOOZNER, PH D
MATTHEW J LATTIG
TIMOTHY R WYCKOFF
KRISTI L RUPERT, PH D
HRAYR A SAYADIAN, PH D
MATTHEW T SHANLEY
JASON W RHODES
CHRISTINA F ANNICK
SUSAN W GORMAN, PH.D
DAVID J CHO

TERRELL C BIRCH
RAYMOND C STEWART
JOSEPH A. KOLASCH
JAMES M. SLATTERY
BERNARD L SWEENEY*
MICHAEL K MUTTER
CHARLES GORENSTEIN
GERALD M. MURPHY, JR
LEONARD R. SVENSSON
TERRY L. CLARK
ANDREW D MEIKLE
MARC S. WEINER
JOE McKINNEY MUNCY
ROBERT J. KENNEY
DONALD J. DALEY
JOHN W. BAILEY
JOHN A. CASTELLANO
GARY D. YACURA
THOMAS S. AUCHTERLONIE
MARK J. NUELL, PH D

PTO
COUNSEL
HERBERT M BIRCH (1905-1996)
ELLIOT A. GOLDBERG*
WILLIAM L. GATES*
EDWARD H. VALANCE
RUPERT J. BRADY (RET)*
F. PRINCE BUTLER
FRED S. WHISENHUNT
JAMES W. HELLWEGE

*ADMITTED TO A BAR OTHER THAN VA

08/21/01



J1036 U.S. PTO
09/934334
08/21/01



Date: August 21, 2001

Docket No.: 3531-0103P

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a Request for filing a continuation divisional continuation-in-part application under 37 C.F.R. § 1.53(b) on provisional Application No. 09/565,455 filed on May 5, 2000, the entire contents of which are hereby incorporated by reference, by

Paul R. BERGER, Phillip E. THOMPSON, Roger LAKE, Karl HOBART,
Sean L. ROMMEL

for

SI-BASED RESONANT INTERBAND TUNNELING DIODES AND METHOD OF MAKING INTERBAND TUNNELING DIODES

- 1. Enclosed is an application consisting of specification, claims, declaration and drawings/photographs (if applicable).
- 2. The filing fee has been calculated as follows:

09/934334 PTO

	BASIC FEE		LARGE ENTITY	SMALL ENTITY
	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	80-20 =	60	x 18 = \$1080.00	x 9 = \$0.00
INDEPENDENT CLAIMS	6-3 =	3	x 80 = \$240.00	x 40 = \$0.00
<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$270.00	+ \$135.00
		TOTAL	\$2300.00	\$0.00

3. A check in the amount of \$2300.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Amend the specification by inserting before the first line thereof the following:
- a. --This application is a continuation divisional continuation-in-part of co-pending Application No. 09/565,455, filed on May 5, 2000, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application No. 60/133,067 filed in the U.S. on May 5, 1999 under 35 U.S.C. § 119.--
- b. --This application is a continuation divisional continuation-in-part of co-pending Application No. 09/565,455, filed on May 5, 2000 and for which priority is claimed under 35 U.S.C. § 120. Application No. 09/565,455 is the national phase of PCT International Application No. PCT/_____/ filed on _____ under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application No. _____ filed in _____ on _____ under 35 U.S.C. § 119.--


- 6. Enclosed is/are twenty-two (22) sheet(s) of formal drawings and/or photographs.
- 7a. A statement claiming small entity status was filed in prior Application No. 09/565,455 on _____. See the attached copy of the statement claiming small entity status.
- 7b. The current application qualifies for small entity status.
- 8. The prior application is assigned to University of Delaware.
- 9. A Preliminary Amendment is enclosed.
- 10a. Priority of Application No(s). _____ filed in _____ on _____ is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on _____.
- 10b. Priority of International Appln. _____ filed on _____ under the Patent Cooperation Treaty and Application No. _____ filed in _____ on _____ under 35 U.S.C. § 119 are hereby reclaimed.
- 11. An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
- 12. Address all future communications to:
 BIRCH, STEWART, KOLASCH & BIRCH, LLP
 P.O. Box 747
 Falls Church, VA 22040-0747
 Telephone: (703) 205-8000
 or
 Customer No. 2292
- 13. An extension of time for _____ () month(s) until has been submitted in parent Application No. 09/565,455 in order to establish co-pendency with the present application.
- 14. Also enclosed herewith is the following:

FOR "RECEIVED"

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
John A. Castellano, #35,094

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

JAC/abs
3531-0103P

Attachments

(Rev. 01/23/01)

FOR THE RECORD